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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,809	08/17/2001	John M. Baron	10010921	7320

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EXAMINER

HO, TUAN V

ART UNIT PAPER NUMBER

2615

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/932,809	BARON, JOHN M.	
	Examiner	Art Unit	
	Tuan V. Ho	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 15-21 and 24-25 is/are allowed.
- 6) ☒ Claim(s) 9-14, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/17/01</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's arguments, see the remarks, filed 11/02/05, with respect to claims 1-8 and 15-19 have been fully considered and are persuasive. The rejections of the claims has been withdrawn.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 11-14 and 22-23 are rejected under 35

U.S.C. 102(b) as being anticipated by Yamamoto Shigeaki (JP 11-055615, Publication date 02/26/1999).

With regard to claim 9, Shigeaki discloses in Fig. 1, a digital camera that comprises the method for capturing audio having a shutter button (shutter button 40, [0012] and the abstract), audio capture mode (shutter button 40 can start audio taking-in [0012]), activating the audio capture mode in response

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to a user of the image capturing device depressing the shutter button (button 40, [0012]), continuously storing an audio signal in an audio buffer in said image capturing device if and only if the audio capture mode is activated ([0012] to [0014]), and selectively storing at least a portion of said audio signal in a memory storage area upon receipt of a store command input from the user (VRAM 56, [0014]).

With regard to claim 11, Shigeaki discloses in Fig. 1, a digital camera that comprises the method for converting sound into the audio signal (microphone 32, [0032]).

With regard to claim 12, Shigeaki discloses in Fig. 1, a digital camera that comprises the method for store command input unassociated with any image capture function (shutter button 40 working in combination with mode setting button 48 records voice memorandum relevant to the still image without any association with image capture function, [0018]).

With regard to claim 13, Shigeaki discloses in Fig. 1, a digital camera that comprises the method for store command input is automatically issued in response to the user fully depressing the shutter button (a user fully presses shutter button in order to record audio memorandum ([0018])).

With regard to claim 14, Shigeaki discloses in Fig. 1, a digital camera that comprises the store command input is not

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constrained to occur simultaneously with an image capture (shutter button 40 is used to record voice memorandum without any image capturing, [0018]).

With regard to claim 22, Shigeaki discloses in Fig. 1, a digital camera that comprises the step of selectively storing at least a portion of the audio signal in the memory storage area upon receipt of the store command input from the user occurs immediately in response to receipt of the store command (VRAM 56 stores at least a portion of voice memorandum, [0018]).

With regard to claim 23, Shigeaki discloses in Fig. 1, a digital camera that comprises the step of selectively storing at least a portion of the audio signal in the memory storage area upon receipt of the store command input from the user occurs a predetermined amount of time in response to receipt of the store command (after depressing shutter button 40 in voice memorandum mode, VRAM 56 stores at least a portion of voice memorandum in about 10 seconds, [0012] and [0022]).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto Shigeaki.

Shigeaki discloses the same subject matter as discussed with respect to claim 9, except that the shutter button is a two-stage shutter button and the audio capture mode is activated in response to the user of the image capturing device partially depressing the shutter button.

Shigeaki does not explicitly disclose any two-stage button; however, Official Notice is taken for a two-stage shutter button that is used in an electronic camera, where the button includes two different operations depending on partially depressing or fully depressing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shutter button 40 of Shigeaki so as to obtain a two stage button that can be operated in audio mode by partially pressing the button because the two-stage shutter button would allow a user to put the camera in audio mode without placing the camera in image capturing mode by using one button and thereby to improve the efficiency of camera operations.

6. Claims 1-8 and 15-21 and 24-25 are allowed.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO

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whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (572) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.



TUAN HO

Primary Examiner

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